



**DISTRICT COURT 08-3-02  
NORTHUMBERLAND COUNTY  
EXAMINATION REPORT  
FOR THE PERIOD  
JANUARY 1, 2009 TO DECEMBER 31, 2011**

*Released April 2013*

**COMMONWEALTH OF PENNSYLVANIA**  
**EUGENE A. DEPASQUALE - AUDITOR GENERAL**  
**DEPARTMENT OF THE AUDITOR GENERAL**



DISTRICT COURT 08-3-02  
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**EUGENE A. DePASQUALE**  
**AUDITOR GENERAL**

## Independent Auditor's Report

The Honorable Daniel P. Meuser  
Secretary  
Pennsylvania Department of Revenue  
Harrisburg, PA 17128

We were engaged to examine the accompanying statement of receipts and disbursements (Statement) of District Court 08-3-02, Northumberland County, Pennsylvania (District Court), for the period January 1, 2009 to December 31, 2011, to determine if the District Court reported and transmitted all monies payable by them to the Commonwealth pursuant to the requirements of Section 401(c) of *The Fiscal Code*, 72 P.S. § 401(c). This Statement is the responsibility of the District Court's management.

As discussed in Finding No. 1, missing case files prevented auditors from determining whether or not the District Court properly recorded, remitted, and reported all monies received and due to the Commonwealth. We were unable to satisfy ourselves by other examination procedures; therefore, we determined that the missing case files restricted the scope of our examination of the Statement.

Because of the restriction on the scope of our examination discussed in the preceding paragraph, the scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether the Statement referred to above present, in all material respect, the operations of the District Court as it pertains to receipts made on behalf of the Commonwealth for the period January 1, 2009 to December 31, 2011, in conformity with the criteria set forth in Note 1.

In accordance with *Government Auditing Standards*, we are required to report findings of significant deficiencies in internal control, violations of provisions of contracts or grant agreements, and abuse that are material to the Statement and any fraud and illegal acts that are more than inconsequential that come to our attention during our examination. We are also required to obtain the views of management on those matters. However, the purpose of this examination was not the expression of an opinion on the internal control over reporting on the Statement or on compliance and other matters; accordingly, we express no such opinions.

### Independent Auditor's Report (Continued)

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the District Court's ability to initiate, authorize, record, process, or report data reliably in accordance with the applicable criteria such that there is more than a remote likelihood that a misstatement of the District Court's Statement that is more than inconsequential will not be prevented or detected by the District Court's internal control. We consider the deficiency described in the findings below to be significant deficiencies in internal control over the reporting on the Statement:

- Missing Case Files.
- Evidence Of Authorizing The Disposition Of Citations Was Not Available.
- Inadequate Arrest Warrant And DL-38 Procedures.

A material weakness is a significant deficiency or combination of significant deficiencies that results in more than a remote likelihood that a material misstatement of the Statement will not be prevented or detected by the District Court's internal control. Our consideration of the internal control over reporting on the Statement would not necessarily disclose all matters in the internal control that might be significant deficiencies and, accordingly, would not necessarily disclose all significant deficiencies that are also considered to be material weaknesses. However, of the significant deficiencies described above, we consider the first two bulleted deficiencies to be material weaknesses.

Independent Auditor's Report (Continued)

The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

This report is intended solely for the information and use of the Pennsylvania Department of Revenue, the Administrative Office of Pennsylvania Courts, and the District Court and is not intended to be and should not be used by anyone other than these specified parties.

A handwritten signature in black ink, appearing to read "Eugene A. DePasquale". The signature is fluid and cursive, with a long horizontal stroke at the end.

October 10, 2012

**EUGENE A. DEPASQUALE**  
Auditor General



DISTRICT COURT 08-3-02  
NORTHUMBERLAND COUNTY  
STATEMENT OF RECEIPTS AND DISBURSEMENTS  
FOR THE PERIOD  
JANUARY 1, 2009 TO DECEMBER 31, 2011

Receipts:

Department of Transportation		
Title 75 Fines	\$	154,247
Motor Carrier Road Tax Fines		25
Overweight Fines		5,850
Commercial Driver Fines		3,000
Littering Law Fines		728
Child Restraint Fines		987
Department of Revenue Court Costs		124,893
Crime Victims' Compensation Bureau Costs		21,434
Crime Commission Costs/Victim Witness Services Costs		15,336
Domestic Violence Costs		5,186
Department of Agriculture Fines		325
Emergency Medical Service Fines		51,502
CAT/MCARE Fund Surcharges		157,243
Judicial Computer System Fees		61,430
Access to Justice Fees		16,465
Criminal Justice Enhancement Account Fees		2,535
Judicial Computer Project Surcharges		11,549
Constable Service Surcharges		6,415
Miscellaneous State Fines		9,482
		<hr/>
Total receipts (Note 2)		648,632
Disbursements to Commonwealth (Note 3)		<hr/> (648,632) <hr/>
Balance due Commonwealth (District Court) per settled reports (Note 4)		-
Examination adjustments		<hr/> - <hr/>
Adjusted balance due Commonwealth (District Court) for the period January 1, 2009 to December 31, 2011	\$	<hr/> <hr/> -

Notes to the Statement of Receipts and Disbursements are an integral part of this report.



DISTRICT COURT 08-3-02  
NORTHUMBERLAND COUNTY  
STATEMENT OF RECEIPTS AND DISBURSEMENTS  
FOR THE PERIOD  
JANUARY 1, 2009 TO DECEMBER 31, 2011

1. Criteria

The Statement of Receipts and Disbursements provides a summary of receipts and disbursements by category. The categories and the amounts of fines, costs, fees, and surcharges assessed are based on Pennsylvania laws and regulations.

The Statement was prepared in accordance with reporting requirements prescribed by the Pennsylvania Department of Revenue. Under this method, only the Commonwealth portion of cash receipts and disbursements are presented, revenues are recognized when received, and expenditures are recognized when paid.

2. Receipts

Receipts are comprised of fines, costs, fees, and surcharges collected on behalf of the Commonwealth. These fines, costs, fees, and surcharges represent collections made on traffic, non-traffic, civil, and criminal cases filed with the District Court.

3. Disbursements

Total disbursements are comprised as follows:

District Court checks issued to:

Department of Revenue	\$ 648,632
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4. Balance Due Commonwealth (District Court) For The Period January 1, 2009 To December 31, 2011

This balance reflects the summary of monthly transmittal reports as settled by the Department of Revenue.

5. Magisterial District Judge Serving During Examination Period

Robert J. Bolton served at District Court 08-3-02 for the period January 1, 2009 to December 31, 2011.

DISTRICT COURT 08-3-02  
NORTHUMBERLAND COUNTY  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2009 TO DECEMBER 31, 2011

Finding No. 1 - Missing Case Files

Our examination of the district court required that certain case files be examined. We encountered considerable difficulty in finding a number of case files. There were 57 out of 110 case files needed for testing that could not be located.

In order for an entity to have an efficient record-keeping system, each court document must be filed timely and properly. Additionally, the *Magisterial District Judge Automated Office Clerical Procedures Manual* (Manual) outlines the proper filing procedures for all district courts to follow.

The failure to follow these guidelines could result in case file documents being lost, misfiled, or intentionally destroyed. Additionally, collections associated with missing case files and documents could be misappropriated.

Adherence to the uniform internal control policies and procedures, as set forth in the Manual, would have ensured that there were adequate internal controls over case files.

This condition existed because the district court suffered flood damage, resulting in the destruction of district court cases. In addition, this condition existed because the office failed to establish adequate internal controls over its case filing procedures.

Recommendation

We recommend that the district court initiate procedures to ensure that all cases are properly filed and contain appropriate documents as outlined in the Manual.

Management's Response

Retired Magisterial District Judge Robert J. Bolton responded as follows:

The findings of Court 08-3-02 started in January 1, 2009 when we were not working at that [new] Court [location] yet. We feel any courts under the same situation are deeply understaffed and minor violations will occur.

Auditor's Conclusion

Although the district court moved to the new location in March 1, 2011, the exceptions noted above were noted from testing throughout the entire examination period of January 1, 2009 through December 31, 2011.

DISTRICT COURT 08-3-02  
NORTHUMBERLAND COUNTY  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2009 TO DECEMBER 31, 2011

Finding No. 2 – Evidence Of Authorizing The Disposition Of Citations Was Not Available

During our examination of the district court's case files, we tested 26 cases with dispositions of not guilty, dismissed, discharged, or withdrawn, and cases that had a guilty plea disposition without an accompanying full payment. There was no evidence in seven cases that the disposition was authorized by the Magisterial District Judge.

Good internal accounting controls ensure that there is evidence that the disposition on these cases was authorized by the Magisterial District Judge. The failure to follow this procedure increases the risk for funds to be lost or misappropriated.

Adherence to good internal controls would have ensured that there were adequate internal controls over citations.

This condition existed because the office failed to establish and implement an adequate system of internal controls over documenting that disposition was authorized by the Magisterial District Judge.

Recommendation

We recommend that there is evidence authorizing the disposition of these cases by the Magisterial District Judge and is available for examination.

Management's Response

Retired Magisterial District Judge Robert J. Bolton responded as follows:

The findings of Court 08-3-02 started in January 1, 2009 when we were not working at that [new] Court [location] yet. We feel any courts under the same situation are deeply understaffed and minor violations will occur.

Auditor's Conclusion

Although the district court moved to the new location in March 1, 2011, the exceptions noted above were noted from testing throughout the entire examination period of January 1, 2009 through December 31, 2011.

DISTRICT COURT 08-3-02  
NORTHUMBERLAND COUNTY  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2009 TO DECEMBER 31, 2011

Finding No. 3 - Inadequate Arrest Warrant And DL-38 Procedures

Warrants and Requests For Suspension Of Operating Privileges (DL-38s) are used to enforce the collection of monies on traffic and non-traffic cases in which defendants failed to make payments when required. A Warrant of Arrest (AOPC 417) is used to authorize an official to arrest a defendant, to collect fines and costs from the defendant after a disposition, or to collect collateral for a trial. If the defendant does not respond within ten days to a citation or summons, a Warrant of Arrest may be issued. A Request for Suspension of Driving Privileges for Failure to Respond to a Citation or Summons or Pay Fines and Costs Imposed (AOPC 638A) is used to notify the defendant in writing that his/her license will be suspended if he/she fails to respond to the traffic citation or summons. A DL-38 cannot be issued for a parking violation.

During our testing of warrant procedures, we noted that warrant procedures established by the *Magisterial District Judge Automated Office Clerical Procedures Manual* (Manual) were not always followed. The Magisterial District Judge did not consistently issue warrants when required. We tested 10 instances in which a warrant was required to be issued. Our testing disclosed that three were not issued timely and one was not issued at all. The time of issuance ranged from 116 days to 211 days.

Furthermore, we tested six instances in which a DL-38 was required to be issued. Our testing disclosed that two were not issued timely and two were not issued at all. The time of issuance ranged from 133 days to 330 days.

The Manual establishes the uniform written internal control policies and procedures for all district courts.

**Warrant Issuance Procedures:** The Manual states that on October 1, 1998, new warrant procedures took effect for summary cases. Amendments were made to Pa.R.Crim.P. Rules 430, 431, 454, 455, 456, 460, 461, and 462. To comply with the new changes, the Notice of Impending Warrant (AOPC A418) was created with the purpose of informing the defendant that failure to pay the amount due or to appear for a Payment Determination Hearing will result in the issuance of an arrest warrant. The defendant is also informed that his/her response must be made within ten days of the date of the notice.

According to Pa.R.Crim.P. Rule 430, a Notice of Impending Warrant may be issued in a post-disposition summary case for any of the following reasons:

- A guilty disposition is recorded and no payment is made or a time payment schedule is not created.

DISTRICT COURT 08-3-02  
NORTHUMBERLAND COUNTY  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2009 TO DECEMBER 31, 2011

Finding No. 3 - Inadequate Arrest Warrant And DL-38 Procedures (Continued)

- A guilty disposition is recorded and a previously deposited collateral payment, when applied, does not pay the case balance in full.
- A guilty disposition is recorded and the defendant defaults on a time payment schedule.

According to Pa.R.Crim.P. 430, a warrant SHALL be issued in a summary case for any of the following reasons (a Notice of Impending Warrant is not necessary for the following):

- The defendant has failed to respond to a citation or summons that was served either personally or by certified mail, return receipt requested.
- The citation or summons is returned undeliverable.
- The Magisterial District Judge has reasonable grounds to believe that the defendant will not obey a summons.

**DL-38 Procedures:** The Manual states that once a citation is given to the defendant or a summons is issued, the defendant has ten days to respond. If on the eleventh day, the defendant has not responded, 75 Pa.C.S.A. §1533 requires that the defendant be notified that he/she has fifteen days from the date of notice to respond to the citation/summons before his/her license is suspended. In accordance with Section 1533 of the Pennsylvania Vehicle Code, the defendant has 15 days to respond to the defendant's copy of the DL-38. If the defendant does not respond by the fifteenth day, the Magisterial District Judge's office shall notify the Pennsylvania Department of Transportation by issuing the appropriate License Suspension Request (AOPC 638B,D,E).

In addition, 75 Pa.C.S.A. §1533 also requires a post-disposition DL-38 (AOPC 638B/E) be issued if the defendant neglects to pay fines and costs imposed at the time of disposition, or fails to make a scheduled time payment.

The failure to follow warrant and DL-38 procedures could result in uncollected fines and unpunished offenders. Additionally, the risk is increased for funds to be lost or misappropriated.

Adherence to the uniform internal control policies and procedures, as set forth in the Manual, would have ensured that there were adequate internal controls over warrants and DL-38s.

DISTRICT COURT 08-3-02  
NORTHUMBERLAND COUNTY  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2009 TO DECEMBER 31, 2011

Finding No. 3 - Inadequate Arrest Warrant And DL-38 Procedures (Continued)

Recommendation

We recommend that the district court review the tickler reports for warrants and DL-38s daily and take appropriate action as required by the Manual.

Management's Response

Retired Magisterial District Judge Robert J. Bolton responded as follows:

The findings of Court 08-3-02 started in January 1, 2009 when we were not working at that [new] Court [location] yet. We feel any courts under the same situation are deeply understaffed and minor violations will occur.

Auditor's Conclusion

Although the district court moved to the new location in March 1, 2011, the exceptions noted above were noted from testing throughout the entire examination period of January 1, 2009 through December 31, 2011.

DISTRICT COURT 08-3-02  
NORTHUMBERLAND COUNTY  
OBSERVATION  
FOR THE PERIOD  
JANUARY 1, 2009 TO DECEMBER 31, 2011

Observation - Improper Assessment of Costs

Our examinations of the Northumberland County District Courts revealed that the courts were assessing a \$15 flat rate postage fee on civil cases and summary citations sent via certified mail as outlined and authorized in an Administrative Order signed on December 31, 2003.

Because the Judicial Code (42 Pa.C.S.A. § 1725.1) provides an itemized list of expenses to be paid for the various causes of action, and it carves out exceptions for the postage costs and which party shall pay the postage costs, Northumberland County should be charging the proper party with actual postage costs, and not a blanket postage charge of \$15 to defendants. Actual postage costs are known the moment documents are mailed and, therefore, are easily attainable and billable to the proper party to a cause of action.

Recommendation

We recommend that Northumberland County District Courts assess postage fees as intended by the appropriate state statutes.

Management's Response

No formal response was offered at this time.

DISTRICT COURT 08-3-02  
NORTHUMBERLAND COUNTY  
COMMENT  
FOR THE PERIOD  
JANUARY 1, 2009 TO DECEMBER 31, 2011

Comment - Compliance With Prior Examination Recommendation

During our prior examination, we recommended that the district court secure the bank's validation on the court's copy of the deposit slip.

During our current examination, we noted that the office complied with our recommendation.





DISTRICT COURT 08-3-02  
NORTHUMBERLAND COUNTY  
REPORT DISTRIBUTION  
FOR THE PERIOD  
JANUARY 1, 2009 TO DECEMBER 31, 2011

This report was initially distributed to:

The Honorable Daniel P. Meuser  
Secretary  
Pennsylvania Department of Revenue

The Honorable Zygmunt Pines  
Court Administrator of Pennsylvania  
Supreme Court of Pennsylvania  
Administrative Office of Pennsylvania Courts

The Honorable Robert J. Bolton	Retired Magisterial District Judge
The Honorable Vinny Clausi	Chairperson of the Board of Commissioners
The Honorable Anthony Phillips	Controller
Brandy L. Yasenchak, Esquire	District Court Administrator

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